

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY MAY 1, 2014

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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2303

Introduced by Assembly Member Bloom

February 21, 2014

An act to add Article 11 (commencing with Section 33460) to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code, relating to biliteracy education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2303, as amended, Bloom. State Recognition Program of Multiple Pathways to Biliteracy.

Existing law requires the Superintendent of Public Instruction to award a State Seal of Biliteracy. Existing law provides that the State Seal of Biliteracy certifies attainment of a high level of proficiency by a graduating high school pupil in one or more languages, in addition to English, and certifies that the graduate meets specified criteria, including, but not limited to, passing the California Standards Test in English language arts administered in grade 11 at the proficient level or above. Existing law also requires a pupil in grades 9 to 12, inclusive, whose primary language is other than English, to meet these same requirements and to also attain the early advanced proficiency level on the English language development test in order to qualify for the State Seal of Biliteracy.

This bill would establish the State Recognition Program of Multiple Pathways to Biliteracy to be administered annually by the State

Department of Education beginning ~~November 2016~~ *January 1, 2016*, to recognize school districts and county offices of education that voluntarily demonstrate excellence in providing and supporting multiple opportunities for pupils to attain high achievement and linguistic biliteracy in grades 1 to 12, inclusive, through biliteracy programs, as specified. The bill would require this program to be implemented only to the extent moneys are available to the department for purposes of the program from any source.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:
3 (1) In 2012, California became the first state in the nation to
4 award a State Seal of Biliteracy, pursuant to Article 6 (commencing
5 with Section 51460) of Chapter 3 of Part 28 of Division 4 of Title
6 2 of the Education Code, to graduating seniors with demonstrated
7 proficiency in two or more languages.
8 (2) This groundbreaking step was acknowledgment of the
9 economic and social value of multilingualism, the realities of a
10 global century, and of the high level of academic achievement
11 associated with attainment of literacy in multiple languages.
12 (3) In the context of the rollout of new common core standards,
13 the State Seal of Biliteracy also rounded out the very notion of
14 college and career readiness for this diverse and global 21st century
15 world.
16 (4) Ten thousand Seals of Biliteracy were awarded in the first
17 year for proficiency in 29 languages, including American Sign
18 Language.
19 (5) By June 2013, the number had more than doubled with 170
20 school districts, 19 charter schools, and six county offices of
21 education providing 21,655 awards to graduating seniors.
22 (6) Across the nation, other states were inspired to follow
23 California's lead. In 2013, New York and Illinois adopted State
24 Seals of Biliteracy, and three additional states have pending
25 legislation.

1 (7) In addition to the establishment of the State Seal of
2 Biliteracy, other major changes recognizing the benefits of
3 biliteracy have occurred, including all of the following:

4 (A) Increased numbers of two-way immersion programs in our
5 public education system.

6 (B) Adoption in 2009 of California’s first World Language
7 Content Standards providing direction for the state’s world
8 language programs and the acknowledgment for the need for
9 developing “global competency.”

10 (C) Inclusion of the recommendation to “ensure English literacy
11 and biliteracy through a statewide campaign to better prepare
12 parents and students to support literacy” in the Blueprint for Great
13 Schools developed by the Transition Advisory Team of the
14 Superintendent of Public Instruction Tom Torlakson in 2011.

15 (8) These changes have led to an increased awareness and
16 acknowledgment of the benefits of multilingual proficiency and
17 result in the desire for additional opportunities to obtain
18 multilingual proficiency. However, these efforts are not enough.

19 (9) It is clear that increasing the number of graduating pupils
20 with multilingual skills is critical for the economic and societal
21 needs of our state.

22 (10) California needs people with biliteracy skills and
23 cross-cultural competencies to work in and fuel our economy, to
24 strengthen our social cohesion, and to enrich the quality of life in
25 our communities.

26 (11) Pathways toward the global competency and linguistic
27 skills of pupils need to be established. These pathways can address
28 a shortfall in needed skills in our communities and economy. It is
29 a recognition of the vibrancy and value of cultural diversity, and
30 it helps address the achievement gap for our English learners.

31 (12) California, the most ethnically and linguistically diverse
32 state in the nation and the birthplace of the State Seal of Biliteracy,
33 is the place to break new ground in the creation of comprehensive,
34 articulated, and powerful pathways to biliteracy.

35 (13) A powerful first step in establishing these pathways is to
36 provide state recognition to school districts and county offices of
37 education that establish and maintain comprehensive, articulated
38 pathways to biliteracy that include multiple entry points, provide
39 a continuum of language development in prekindergarten,

1 kindergarten, and grades 1 to 12, inclusive, and lead to the
2 attainment of the State Seal of Biliteracy.

3 (b) Therefore, it is the intent of the Legislature to do both of the
4 following:

5 (1) Establish state recognition to school districts and county
6 offices of education that provide multiple programs moving pupils
7 through a language learning continuum of study that is well
8 articulated and comprehensive for the purpose of attaining
9 biliteracy by its pupils.

10 (2) Identify multiple pathways to biliteracy that school districts
11 and county offices of education may utilize in developing their
12 comprehensive multiple pathways biliteracy programs.

13 SEC. 2. Article 11 (commencing with Section 33460) is added
14 to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education
15 Code, to read:

16
17 Article 11. State Recognition Program of Multiple Pathways
18 to Biliteracy
19

20 33460. For purposes of this article, “biliteracy” means the
21 ability to express oneself with clarity and cogency, to read and
22 write cogently, and to compute and think critically in two or more
23 languages. It includes the ability to function in and across language
24 communities. For English learners, this includes the development
25 of academic proficiency in the pupil’s primary language as well
26 as in English.

27 33461. (a) The State Recognition Program of Multiple
28 Pathways to Biliteracy is hereby established to be administered
29 annually by the department beginning ~~November 2016~~ *January*
30 *1, 2016*, to recognize school districts and county offices of
31 education demonstrating excellence in providing and supporting
32 multiple opportunities for pupils to attain high achievement and
33 linguistic biliteracy in grades 1 to 12, inclusive, through biliteracy
34 programs. *On or before December 31, 2015, the department shall*
35 *plan and design the program. Beginning January 1, 2016, and*
36 *each year thereafter, the department shall disseminate and review*
37 *applications for recognition under the program. Beginning*
38 *November 1, 2016, and each year thereafter, the department shall*
39 *provide recognition, pursuant to the program, to approved school*
40 *districts and county offices of education.*

1 (b) The department shall use appropriate state and federal
2 moneys to implement this article.

3 (c) The program established pursuant to this section shall be a
4 voluntary program. Neither a school district nor a county office
5 of education shall be required to participate.

6 33462. (a) The department shall recognize the governing board
7 of a school district or a county office of education under the State
8 Recognition Program of Multiple Pathways to Biliteracy if the
9 school district or county office of education meets any of the
10 following criteria:

11 (1) Has established and maintained for pupils in grades 9 to 12,
12 inclusive, for at least two years, a well-articulated State Seal of
13 Biliteracy program meeting the requirements established in Section
14 51461 and has established and maintained multiple pathways to
15 biliteracy pursuant to Section 33463.

16 (2) Has established and maintained for pupils in prekindergarten,
17 kindergarten, and grades 1 through 8, inclusive, a system of
18 benchmarking progress and recognition of pupil participation and
19 progress along a continuum toward high-level proficiency in two
20 or more languages. This may include the creation of pathway
21 awards aligned to milestones and critical developmental points
22 along the pathway towards biliteracy, culminating in the awarding
23 of the State Seal of Biliteracy at graduation from high school.
24 Critical development points include, but are not limited to, the
25 completion of preschool, third grade, elementary school, and
26 middle school.

27 (3) Has met the criteria of paragraphs (1) and (2) for pupils in
28 prekindergarten, kindergarten, and grades 1 to 12, inclusive.

29 (b) In addition to the requirements of subdivision (a), a school
30 district or county office of education also shall meet all of the
31 following criteria:

32 (1) Has a well-articulated plan for pupils in prekindergarten,
33 kindergarten, and grades 1 to 12, inclusive, that describes the
34 language programs that comprise a coherent set of language
35 development opportunities. The plan shall include consideration
36 of all of the following:

37 (A) Integration of English learner services with world language
38 programs.

39 (B) The amount of time allotted to language study, sequencing,
40 and articulation.

1 (C) Inclusion of multiple entry points into language learning.

2 (D) Equitable access to language learning.

3 (E) Inclusion of a developmental window from 4 to 8 years of
4 age, inclusive, for language learning in which pupils are able to
5 develop native-like proficiency in multiple languages.

6 (F) Consideration of language priorities where the governing
7 board of a school district or a county office of education has to
8 carefully consider a balance between a desire to offer multiple
9 languages and the realities of investment and space within school
10 schedules to accommodate the sequence of courses involved in
11 building to high levels of proficiency.

12 (2) Has supported quality implementation, including qualified
13 language teachers; a retention, recruitment, and professional
14 development system that results in identifying and hiring teachers
15 with needed skills; collaboration and planning time for teachers
16 to align and articulate the language curriculum across grade levels
17 and schools; and provided teachers with professional development
18 support to effectively implement research-based language strategies
19 and methodologies.

20 (3) Has created a districtwide, communitywide, countywide,
21 and school culture that celebrates language and cultural diversity
22 in the pursuit of biliteracy as a needed 21st century skill.

23 33463. For purposes of demonstrating whether a school district
24 or a county office of education qualifies for the State Recognition
25 Program of Multiple Pathways to Biliteracy, the governing board
26 of a school district or a county office of education may implement
27 any comprehensive program for the study of world languages that
28 includes, but is not limited to, any of the following:

29 (a) “FLEX” (Foreign Language experience, exposure,
30 enrichment, or exploratory) may be implemented for a regular
31 schoolday or an extended schoolday for prekindergarten,
32 kindergarten, and grades 1 to 8, inclusive, and includes all of the
33 following:

34 (1) Has classes that meet only once or twice a week.

35 (2) Has classes that are introductory and provide exposure.

36 (3) May be delivered during school or after school.

37 (4) Introduces pupils to one or more languages and cultures
38 other than their own in order to motivate them to pursue further
39 language study.

(5) Has varied objectives depending on the specific program, length of instruction, and type of instruction.

(b) “FLES” (Foreign Language in Elementary Schools) may be implemented as a period within a schoolday or an extended schoolday for kindergarten and grades 1 to 6, inclusive, and includes all of the following:

(1) Are less intensive than immersion.

(2) Teaches the target language for designated periods of time, but varies a great deal in the amount of time devoted to foreign language learning.

(3) Follows the natural sequence of language learning to understand, speak, read, and write.

(4) Does not include academic study through the language, but focuses on language study itself.

(5) Has proficiency goals and pupil outcomes that vary according to the amount and type of instruction.

(6) Provides initial instruction and exposure to a second language.

(7) Usually meets daily.

(8) Begins in kindergarten and continues through grade 6, but may begin in grade 2, grade 3, or grade 4.

(c) “Transitional Bilingual” may be implemented as a whole schoolday program for prekindergarten, kindergarten, and grades 1 to 3, inclusive, and includes all of the following:

(1) Are for English learners.

(2) Provides academic instruction and initial literacy development in the home language along with English language development, with increasing amounts of the English language leading to full transition to the English language by the end of grade 3.

(3) Provides that the goal is not biliteracy but a transition to English.

(d) “Developmental Bilingual” may be implemented as a whole schoolday program for prekindergarten, kindergarten, and grades 1 to 5, inclusive, and includes all of the following:

(1) Has a program for English learners using both the English language and their first language for academic instruction and develops literacy skills in both languages.

(2) Includes an additive approach that continues through grade 5 and an attainment of threshold literacy skills in both languages.

1 (3) Has the goal of biliteracy.

2 (e) “Immersion” may be implemented as a whole schoolday
3 program or a summer enrichment program for prekindergarten,
4 kindergarten, and grades 1 to 12, inclusive, and includes all of the
5 following:

6 (1) Provides that the target language is used for all academic
7 instruction with the exception of language arts in English.

8 (2) Maintains a ratio of target language use to English language
9 use as high as 80 percent to 20 percent throughout kindergarten
10 and grades 1 to 6, inclusive.

11 (f) “Two-Way Immersion” (Dual Language) may be
12 implemented as a whole schoolday program for prekindergarten,
13 kindergarten, and grades 1 to 12, inclusive, and includes all of the
14 following:

15 (1) Integrates native English language speakers and speakers
16 of another language by providing instruction in both languages for
17 all pupils.

18 (2) Promotes bilingualism and biliteracy, grade-level academic
19 achievement, and positive cross-cultural attitudes and behaviors
20 in all pupils.

21 (3) Has classes made up of roughly equal numbers of native
22 speakers of English and native speakers of the target language.

23 (4) Has each language roughly one-half of the time for academic
24 instruction in the 50/50 Two-Way Immersion model.

25 (5) Has the target language used for 90 percent of instruction
26 in the early years, usually tapering to 50 percent by grade 4 in the
27 90/10 Two-Way Immersion model. At the secondary level, pupils
28 continue to study academic content in the target language for at
29 least two periods a day.

30 (6) Typically begins in kindergarten or grade 1 and lasts at least
31 through grade 5, and preferably through grades 9 to 12, inclusive.

32 (g) “Native Speakers Courses” may be implemented as a period
33 offered during a schoolday or after school for grades 6 to 12,
34 inclusive, and includes all of the following:

35 (1) Designed to develop literacy, academic language, and
36 proficient skills in a language other than English for native speakers
37 of that language.

38 (2) Designed for pupils from homes in which the target language
39 is spoken and for pupils who speak or understand the target
40 language to some extent.

1 (3) Has the intent of these courses being to build on existing
2 skills of pupils and help them develop full academic proficiency.

3 (4) Requires Advanced Placement language courses.

4 (h) “Heritage Language” may be implemented as a period
5 offered during a schoolday or after school for kindergarten and
6 grades 1 to 12, inclusive, and includes all of the following:

7 (1) Are additive programs that enable
8 English-language-dominant pupils from language minority families
9 to reclaim their heritage language and receive an education that
10 incorporates a culturally responsive curriculum in school.

11 (2) Requires Advanced Placement language courses.

12 (i) “World Language Classes” may be implemented as a period
13 offered during a schoolday or after school for grades 6 to 12,
14 inclusive, and includes all of the following:

15 (1) Begins in middle school or high school.

16 (2) Has the curriculum aligned with the A to G requirements of
17 the University of California.

18 (3) Requires the study of the same world language for two years
19 in grades 9 to 12, inclusive, to meet the freshman admissions
20 requirements for the University of California and the California
21 State University.

22 (4) Requires Advanced Placement language classes.

23 (j) “Study Abroad, International Student Exchange Program”
24 for grades 6 to 12, inclusive, includes both of the following:

25 (1) Provides world language pupils with opportunities to travel,
26 live, and study for a short time in another nation.

27 (2) Includes trips sponsored by language clubs or language
28 courses for a few weeks or full semester, or live-abroad placement
29 programs.

30 SEC. 3. The State Recognition Program of Multiple Pathways
31 to Biliteracy (Article 11 (commencing with Section 33460) of
32 Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code)
33 shall be implemented only to the extent moneys are available to
34 the State Department of Education for purposes of the program
35 from any source, including, but not limited to, state moneys, federal
36 moneys, and other nonstate funding sources.